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Attorneys for Defendants,
CITY OF SAN JOSE, OFFICER PFIEFER, OFFICER NATIVIDAD, OFFICER WEIR,
and OFFICER HIGGINS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS VAN ZANDT,
Plaintiff,

vs.

CITY OF SAN JOSE, OFFICERS
PFEIFER, NATIVIDAD, WEIR, and
HIGGINS, individually and as employees
of the CITY OF SAN JOSE, TARGET
STORES, INC., THE WESTFIELD
GROUP, PROFESSIONAL SECURITY
CONSULTANTS, and DOES 1-10,
Inclusive,
Defendants.

CASE NO.: C07-04987 JF

**STIPULATION AND [PROPOSED]
ORDER VACATING THE TRIAL AND
RELATED DATES AND SETTING A
NEW CASE MANAGEMENT
CONFERENCE**

STIPULATION

This case is currently set for trial on November 16, 2009. Based on the pretrial schedule, Defendants City of San Jose, Officer Daniel Pfiefer, Officer Mark Natividad, Officer Anthony Weir, and Officer Casey Higgins (the City Defendants) and Defendant Samantha Fein filed dispositive Motions for Summary Judgment on August 17, 2009 with a hearing date of October 2, 2009.

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Pursuant to the existing schedule, expert disclosures are due on September 14, 2009 and the expert discovery cut-off is October 5, 2009. Following this, all pretrial materials must be submitted by October 13, 2009 for the October 23, 2009 Pretrial Conference.

In light of the Summary Judgment Motions and the increased possibility for settlement following the Court's eventual ruling on the motions, as well as the parties desire to avoid further, possibly unnecessary expenses which would hinder settlement discussions, the parties stipulate to vacate the current November 16, 2009 trial date, the September 14, 2009 expert disclosure date, the October 5, 2009 expert discovery cut-off and the October 23, 2009 Pretrial Conference.

In an effort allow the Court time to issue its decision on the Summary Judgment Motions and time for the parties to consider the ramifications of said rulings in relation to settlement positions, the parties further stipulate to have a Case Management Conference set before this Court on December 11, 2009 when, if the case is not resolved, a trial date will be selected.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: September 1, 2009

RICHARD DOYLE, City Attorney

By: /s/
MICHAEL R. GROVES
Senior Deputy City Attorney

Attorneys for Defendants,
CITY OF SAN JOSE, OFFICER PFIEFER,
OFFICER NATIVIDAD, OFFICER WEIR,
and OFFICER HIGGINS

Dated: September 1, 2009

HAAPALA, THOMPSON & ABERN, LLP

By: /s/
REBECCA S. WIDEN, ESQ.

Attorneys for Defendant,
SAMANTHA FEIN

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1 Dated: September 1, 2009

LAW OFFICES OF ROBERT R. POWELL

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3 By: /s/
ROBERT R. POWELL, ESQ.

4 Attorneys for Plaintiff,
5 THOMAS VAN ZANDT

6 Dated: September 1, 2009

MANNING & MARDER
KASS, ELLROD, RAMIREZ LLP

7
8 By: /s/
SEJAL OJHA, ESQ.

9 Attorneys for Defendants,
10 PROFESSIONAL SECURITY
11 CONSULTANTS, DANIEL GARCIA and
12 RYAN SCOTT
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14 **ORDER**

15 GOOD CAUSE APPEARING, it is hereby ordered that:

16 1. The November 16, 2009 trial date, the September 14, 2009 expert disclosure
17 date, the October 5, 2009 expert discovery cut-off date and the Pretrial Conference of
18 October 23, 2009 are vacated.

19 2. A Case Management Conference is set for December 11, 2009 at 10:30 a.m.

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21 Dated: 9/3/09

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HON. JEREMY FOGEL
23 Judge of the United States District Court
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